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PATENT APPLICATION

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ATTORNEY DOCKET NO. ___10008257-1___

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Simpson, et al.	Confirmation No.: 4913
Application No.: 09/940,200	Examiner: Sall, El Hadji
Filing Date: 8-27-01	Group Art Unit: 2157

Title: **System for Automatically Recognizing Devices Connected In a Distributed Processing Environment**

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on ___11-3-06___ .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

   (Note: Extensions of time are not allowed under 37 CFR 1.136(a))

   (Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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Respectfully submitted,
Simpson, et al.
By _____
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Rev 10/08s (ReplyBrf)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

    Simpson, et al.

Serial No.: 09/940,200

Filed: August 27, 2001

Group Art Unit: 2157

Examiner: Sall, El Hadji

Docket No. 10008257-1

For: **System for Automatically Recognizing Devices Connected in a Distributed Processing Environment**

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
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Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed November 3, 2006 has been carefully considered.

In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are

required, beyond those which may otherwise be provided for in documents accompanying

this paper. However, in the event that additional extensions of time are necessary to

allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R.

§ 1.136(a), and any fees required therefor (including fees for net addition of claims) are

hereby authorized to be charged to deposit account no. 08-2025.

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REMARKS

The Examiner has provided in the Examiner's Answer various responses to points made in Applicant's Appeal Brief. Applicant addresses those responses in the following.

A.   **"Directly Connected to a Network" and "Not Directly Connected to a Computer"**

In the Examiner's Answer, the Examiner argues that Goshey's peripheral devices 118, 120, and 121 are not "directly" connected to a computer because those device connect to their host computers 112 via a host adapter 116. While Applicant acknowledges that the peripheral devices 118, 120, and 121 connect to their computers 112 via the host adapters 116, Applicant notes that the peripheral devices are "directly connected" to the computers within the meaning of the term as used in Applicant's claims and disclosure. In particular, Applicant's use of the term "directly connected" is used to distinguish situations in which a peripheral device is connected directly to a network from situations in which a peripheral device is directly connected to the network via a host computer, as in the Goshey reference. To say that Goshey's peripheral devices are not "directly connected" to their host computers due to the presence of the host adapters 116 is to ignore Applicant's definition of the term. Specifically, the peripheral devices are not directly connected to Goshey's network, but are instead directly connected to host computers, which in turn are directly connected to the network.

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Furthermore, Applicant asserts that the connection of the peripheral devices to the host computers via the host adapters is no less "direct" than a situation in which a peripheral device is connected to a host computer via a cable. In other words, Goshey's host adapter is simply a piece of hardware that facilitates direct connection of the peripheral devices to the host computers.

Irrespective of the above, Applicant notes that conspicuously absent from the Examiner's Answer is a detailed discussion of how Goshey teaches peripheral devices that are "directly connected to a network", which is also required by each of Applicant's independent claims. Even if one were to take the position that Goshey does not teach peripheral devices directly connected to host computers, Goshey still fails to teach peripheral devices "directly connected to a network". As described in the Appeal Brief and Responses submitted during prosecution of the instant application, Figure 2C of the Goshey reference, which is relied upon by the Examiner as teaching peripheral devices "directly connected to a network", the peripheral devices are clearly *not* directly connected to Goshey's "NETWORK." In fact, if one follows the Examiner's position that the peripheral devices are not directly connected to the host computers, Goshey's peripheral devices are two connections removed from direct connection to the NETWORK: the peripheral devices are connected to the host adapters, which are connected to the host computers, which are connected to the NETWORK.

Instead of providing a detailed explanation of how Goshey teaches peripheral devices directly connected to a network, the Examiner merely states that Goshey teaches a "network" that "consists of all the elements shown and connected to computer 112b thru [*sic*] host adapter 116b." *Examiner's Answer*, page 20. As stated

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in the Appeal Brief, Goshey does *not* state that the peripheral devices and the host adapter as forming their own "network", and a person having ordinary skill in the art would not consider multiple devices connected to a computer via an adapter as comprising a "network."

The Examiner's arbitrary designation of the peripheral devices 118, 120, and 121 of Figures 2A and 2C as forming a network is without basis. As is well known in the art, the term "network" designates a group of computer systems that are linked together so as to enable communication *between* those computer systems. This is the essence of a network. Applicant notes that *nowhere* does Goshey state that Goshey's peripheral devices, which comprise a scanner, an optical drive, and a hard drive, are capable of communicating with each other due to their connection to the host adapter. If one were to think about it, which the Examiner apparently has not, it would not make sense for a scanner, optical drive, and a hard drive to directly communicate with each other. Instead, any transfer of data between those devices would be through the host computer as an intermediary. As would be obvious to any person having skill in the art, Goshey's peripheral devices use the "host adapter" to communicate *with the host*, not with each other. Indeed, that is why the host adapter is called the "host" adapter. Nowhere does Goshey indicate that the host adapter functions as a network node that enables communication between the peripheral devices, as would be the case if the host adapter and the peripheral devices actually formed a "network." Indeed, it appears clear that Goshey's host adapter is no more a network node than a USB adapter having multiple USB ports that expand the number of devices that can be connected to a host

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computer is a network node. Again, Goshey only teaches one network, that network being explicitly labeled "NETWORK" in Figure 2C.

B.   "Network Browser"

In the Examiner's Answer, the Examiner argues that Goshey teaches a "network browser" by describing a "SCSI Explorer Window 202." Applicant disagrees. The term "network browser" has a particular meaning in the art. Specifically, that term is used to refer to a browser application that permits one to surf a network and access network (e.g., web) pages. As defined by Webopedia, a continually updated encyclopedia for computer technology, the term "browser" refers to: "a software application used to locate and display Web pages. The two most popular browsers are Netscape Navigator and Microsoft Internet Explorer. " See, www.webopedia.com. Nothing in the Goshey disclosure indicates that the SCSI Explorer Window provides such functionality. Although network browsers typically comprise a "window" format, the mere fact that Goshey's SCSI Explorer Window also comprises a window format does not mean that the SCSI Explorer Window is a "network browser". Therefore, the Examiner's argument as to the "network browser" limitation is also unwarranted.

Regarding the Examiner's statement that Applicant's specification fails to disclose an explicit definition of "network browser", Applicant notes that the well-established meaning of network browser described above is clear from Applicant's specification as a whole. For example, Applicant explicitly discusses browsing networks on page 1, line 19 to page 2, line 2. Applicant also explicitly discusses web pages on page 2, lines 15-17. Furthermore, Applicant discusses "web browsers", which comprise

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a specific type of network browser, on page 5, lines 7-9. Moreover, Applicant describes network browsing in well-established sense the discussion that spans page 16, line 10 to page 17, line 25. Therefore, Applicant submits ample indication that the term "network browser" actually refers to a network browser, such as a web browser, as opposed to a specialized program that controls an available peripheral device as in the Goshey disclosure.

C. "Creating a Web Service"

In addressing the "creating a web service" limitation and variants thereof, the Examiner argues that the Examiner relied upon the Carcerano reference. Applicant notes that this is *not* true. Specifically, claims 25, 37, and 45, which comprise the "creating a web service" limitation or variants thereof were rejected under 35 U.S.C. § 102 in view of Goshey alone. Applicant considers the Examiner's new reliance on the Carcerano reference as an *admission* that Goshey does not teach creating a web service as recited in claims 25, 37, and 45.
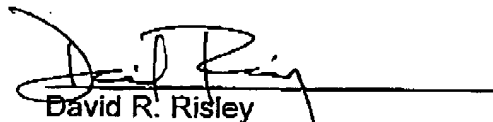
D. Conclusion as to the Examiner's Answer

Contrary to that alleged in the Examiner's Answer, Applicant does have a clear understanding of how the Examiner is reading the limitations: the Examiner is reading the limitations in an unreasonable and unwarranted manner to facilitate rejection of Applicant's claims when the prior art clearly does not teach the claimed invention. In view of that, Applicant submits that the rejections should be overturned.
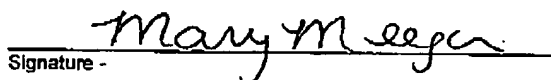
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CONCLUSION

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

David R. Risley
Registration No. 39,345

CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 CFR §1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted on the date indicated below via facsimile to the United States Patent and Trademark Office, facsimile number (571) 273-8300.

Date: _11-28-06_

Signature - _Mary M Leeper_